

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

=====X

IN RE:

DEXTER MCKENZIE,

Debtor.

=====X

tmd3574/amb

June 20, 2007

9:00a.m.

Case No: 105-34281-353

Hon. Jerome Feller

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the within application, Marianne DeRosa, Chapter 13 Trustee will move this court before the Hon. Jerome Feller, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at 271 Cadman Plaza East, Brooklyn, New York, Courtroom 3554, on the 20th day of June, 2007 at 9:00a.m., or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c)(6) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Marianne DeRosa, Esq., no later than three (3) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Jericho, New York
June 5, 2007

/s/ Marianne DeRosa
MARIANNE DeROSA, TRUSTEE
100 JERICHO QUADRANGLE, SUITE 208
JERICHO, NY 11753
(516) 622-1340

UNITED STATES BANKRUPTCY COURT
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APPLICATION

TO THE HONORABLE JEROME FELLER, U.S. BANKRUPTCY JUDGE:

MARIANNE DEROSA, Chapter 13 Trustee in the above-captioned estate,
respectfully represents the following:

1. The Debtor commenced this Chapter 13 case by filing a voluntary petition on
October 15, 2005.

2. The current monthly plan payment amount is \$2,743.00. The total amount
due under the plan, through and including June, 2007 is \$45,771.00. To date, the
Trustee has received \$39,896.00. Therefore, the debtor has defaulted under the terms
of the plan and is \$5,875.00 in arrears to the Trustee.

3. No prior application seeking the relief requested herein has been filed by the
Chapter 13 Trustee.

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter
an order dismissing this Chapter 13 case and such other and further relief as may seem
just and proper.

Date: Jericho, New York
June 5, 2007

/s/Marianne DeRosa
MARIANNE DeROSA, TRUSTEE

PAYMENT ADDRESS ONLY:
MARIANNE DeROSA, TRUSTEE
PO BOX 2178
MEMPHIS, TN 38101-2178

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X Chapter 13 Case No. 105-34281-353
IN RE:

DEXTER MCKENZIE,

CERTIFICATE OF SERVICE
OF MAIL

Debtor.

-----X

This is to certify that I, ARLENE BROWN, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

DEXTER MCKENZIE
942 ROCKAWAY AVENUE
BROOKLYN, NY 11212

STEPHEN B. KASS, ESQ.
225 BROADWAY, ROOM 711
NEW YORK, NY 10007-3793

SHARON MCKENZIE
4230 THUNDERSTONE CIRCLE W
MEMPHIS, TN 38125

This June 5, 2007

/S/ ARLENE BROWN

Arlene Brown, Clerk
Office of the Standing Chapter 13 Trustee
Marianne DeRosa, Esq.
100 Jericho Quadrangle, Suite 208
Jericho, New York 11753
(516) 622-1340

CASE NO: 105-34281-353

Hon. Jerome Feller

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

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MARIANNE DeROSA, TRUSTEE
100 JERICHO QUADRANGLE, SUITE 208
JERICHO, NEW YORK 11753
(516) 622-1340